

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

MISC. CIVIL APPLICATION NO. 40 OF 2007

Sou. Swati Chandrakant Diwate .. Applicant.

V/s.

Shri Chandrakant Diwate .. Respondent.

Mr.G.H.Keluskar for the Applicant.

Mr.J.P.Kharge for the Respondent.

CORAM : S. A. BOBDE, J.

DATED : 21st AUGUST, 2007.

P.C. :-

. This application is for transfer of a marriage petition which is filed by the respondent husband in the court of Sangli.

2. The applicant is a wife who has sued the respondent husband for maintenance in the court at Pune. The applicant is residing at Pune with her father and apparently, she has no source of income. The respondent husband is working as a teacher in Sangli and is thus gainfully employed.

3. Having regard to the principal that essentially the convenience of a lady should be taken into account,

I consider it appropriate in the interest of justice to direct that the Hindu Marriage Petition No.212 of 2006 filed by the respondent -husband before the Civil Judge, Senior Division, Sangli be transferred to the learned Civil Judge, Senior Division, Pune. At this stage, it may be mentioned that the learned counsel for the respondent pointed out that the marriage proceedings at Sangli have almost come to an end. This is denied by the learned counsel for the applicant. However, one thing is clear that even though the proceedings have come to end in the court of Civil Judge, Jr.Division, an appeal admittedly lies to the District Court at Sangli. Hence, the question of inconvenience of the applicant would continue to exist.

4. In the circumstances, the Hindu Marriage Petition No. 212 of 2006 is hereby transferred to the Court of Civil Judge, Senior Division, Pune or any other competent court. Application is accordingly allowed. However, the maintenance Application No. 306 of 2007 shall be heard alongwith Hindu Marriage Petition No. 212/2006 and disposed of as early as possible and not later than six months from the date the parties appear before the court at Pune. Parties are directed to appear before the court at Pune on 10th of September, 2007. Order accordingly.

(S.A.BOBDE, J.)